

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN FIGUEROA-VALDEZ,

Defendant.

8:05CR167

ORDER

This matter is before the court on the motion to continue by defendant Juan Figueroa-Valdez (Figueroa-Valdez) (Filing No. 26). Figueroa-Valdez seeks additional time in which to prepare for trial. Figureroa's counsel represents that counsel for the government has no objection to the motion. Figueroa-Valdez has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Figueroa-Valdez consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 27). Upon consideration, the motions will be granted.

IT IS ORDERED:

1. Figueroa-Valdez's motion to continue trial (Filing No. 26) is granted.
2. Trial of this matter is re-scheduled for **October 3, 2005**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **August 22, 2005** and **October 3, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 22nd day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge